

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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COMMISSION

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TRANSPORTATION DIV

**THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for and in  
behalf of the People of the State of Illinois,**

**Petitioner,**

**vs.**

**UNION PACIFIC RAILROAD COMPANY,**

**Respondent.**

**No. T02-0044**

**MOTION TO CONSOLIDATE**

Now comes Respondent herein, Union Pacific Railroad Company, by and through it's Attorney, Dean W. Jackson, and for it's Motion to Consolidate the instant case with Case No. T00-0042, Illinois Department of Transportation v. Union Pacific Railroad Company, hereinafter states as follows:

1. Petitioner filed its Petition in Case No. T2000-0042 on or about April 26, 2000, seeking an Order from the Illinois Commerce Commission allowing it to construct a vehicular overpass structure over Respondent's railroad tracks on Illinois Route 128 at FAP Route 770 approximately 6.2 miles north of Illinois Route 16 in Shelbyville.
2. The case then proceeded through testimony, the taking of additional documentary evidence, and ultimately concluding by the execution of a Stipulated Agreement by the Parties dated February 2001. In an Order of April 11, 2001, this Illinois Commerce Commission approved the Agreement and granted permission to replace the existing grade separation structure carrying the Union Pacific Railroad Company's tracks over Illinois Route 128 north of Shelbyville, Shelby County, Illinois by constructing an overpass structure to carry Illinois Route 128 over the Railroad's tracks.
3. All engineering, safety issues and other engineering matters concerning the project were the subject of the evidence and Agreement set forth in ICC Case Number T2000-0042.
4. Petitioner, The State of Illinois Department of Transportation, now files its Petition in the instant matter for Approval to Take Property for the identical project involved in ICC Case Number T2000-0042.

**DOCKETED**

5. It is in the best interests of saving Judicial and Parties' time, expenses and resources to consolidate the instant case with that of ICC No. T2000-0042, and incorporate by reference all of the evidence, Agreement and Order from that Case into this pending matter. Further, consolidation would significantly lessen the length of time that this Respondent would need to bring this matter to resolution, as all of the engineering information contained in the prior case could be incorporated here.

6. Counsel for Respondent has contacted Staff and counsel for IDOT in this case, and neither has any objection to this Motion to Consolidate.

**WHEREFORE**, Respondent, Union Pacific Railroad Company, respectfully requests that this case be consolidated with Case No. T2000-0042, and that all of the evidence, Pleadings and Order contained therein be incorporated into this case.

Union Pacific Railroad Company  
By Dean W. Jackson, its' attorney.

By: Dean W. Jackson

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**PROOF OF SERVICE**


The undersigned hereby certifies that a copy of the Counsel's Entry of Appearance was mailed first class mail, postage prepaid, this 12th day of June, 2002, to:

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Union Pacific Railroad Company  
By Dean W. Jackson, its' attorney.

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